

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 SEP 22 A 9:43

MARK MULDOWNEY

U.S. DISTRICT COURT
DISTRICT OF MASS

V.

CIVIL ACTION NO. 04-11740-GAO

RICK SMITH

COMPLAINT

Parties

1. The plaintiff is a resident of Melrose, Middlesex County, Massachusetts and a citizen of the United States.
2. The defendant Rick Smith is the former Chief of Police in the city of Melrose, current Chief of Police in the town of Wakefield and a citizen of the United States. The address of the Wakefield Police station is 531 Lowell St., Wakefield, MA 01880

Jurisdiction

3. This court has jurisdiction over this matter pursuant to 28 U.S.C 1331, 28 U.S.C 1343 and 28 U.S.C 1346

Facts

4. The defendants Rick Smith has over a period of years and in direct violation of the plaintiffs 4th Amendment rights utilized powerful, modern electronic surveillance

equipment to conduct 'unreasonable searches' of the plaintiff, his house, person and effects.

5. These unreasonable searches have been conducted in recent times in compliance with Chapter 272:Sec.99 of the General Laws of Massachusetts.
6. Chapter 272:Sec.99 of the General Laws of Massachusetts is unconstitutional and in direct violation of the 4th Amendment of the United States Constitution.
7. This Court has jurisdiction over this case because this complaint as a central issue calls into question the constitutionality of a state law and therefore qualifies as a case 'in law and equity arising under this Constitution'. (Article III, Sec. 2(1)). (Also, Marbury v. Madison)
8. The plaintiff is entitled to relief because the herein alleged actions of the defendant have caused irreparable harm to the plaintiff by violating his 4th Amendment "right of the people to be secure in their persons, houses papers and effects against unreaonable searches...".
9. Wherefore, the plaintiff asks that the Court issue an injunction against the defendant Rick Smith, enjoining him to immediately and permanantly cease and desist from using any and all electronic surveillance and wiretapping technologies towards the plaintiff, his residence, and his motor vehicle, and to permanantly disconnect, disengage and remove any such devices and equipment previously used and/or installed for the purposes of the here alleged conduct. The plaintiff furthermore asks for compensatory damages in the amount of \$2 million and for punitive damages in the amount of \$40 million.

Signature

Signature *W. W. W.* prose

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